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ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER JOHN, CLARENCE	
			ART UNIT 2443	PAPER NUMBER
			NOTIFICATION DATE 07/21/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/541,481

Applicant(s)

ARAUZ-ROSADO, JESUS-JAVIER

Examiner

CLARENCE JOHN

Art Unit

2443

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/3/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

This action is responsive to communication filed on May 3, 2010. Claims 1, 3-8 and 10-14 are pending.

Though the submitted Claims 3, 7, 10 and 14 dated 5/3/2010 include the status “Previously presented”, they have been amended since the original filing. That is, the latest submitted Claims 3, 7, 10 and 14 dated 5/3/2010 with the status “Previously presented” are in fact the amended Claims which were originally dated 4/30/2010.

Response to Arguments

1. Applicant's arguments filed on 4/30/2010 have been fully considered but they are not persuasive and do not place the Application in condition for allowance.
2. With respect to Claim 1, the Applicant argues that the Examiner equates the claimed funnel network element with a codec.
3. **In reply**, the Examiner states that the claimed funnel network element is not equated to codec. Huat teaches a communication system including a server and plurality of endpoints. The network endpoints are assigned to network regions to

allow selection of a proper compression/decompression algorithm (codec) for a call between endpoints. According to the Specification paragraph [0035], linking of first and second physical network is the funnel network element. Huat's telecommunication system includes a first physical network (Subnet 106A, Figure 1) and a second physical network (subnet 106C, Figure 1), and endpoint devices connected to said first and second physical networks. The two physical networks 106A and 106C are connected to the main network 102 via the Link 110, which is the funnel network element.

4. With respect to Claim1, the Applicant also argues that Huat does not teach sending an address detection message towards said first endpoint device and then selects an advertised codec based upon whether an answer to the address detection message includes the address of the bandwidth limiting funnel network element.
5. **In reply**, the Examiner disagrees and states that Huat does teach the above limitations.
6. The main Network 102, and the sub networks 106A and 106C offer each endpoint device a bandwidth capacity Here the network regions 104A and 104C of the subnets 106A and 106C respectively have varying bandwidth capacity, storing information related to at least one funnel network, that is the link 110, that links said first and second physical networks. The

compression/decompression algorithms –Codecs perform compression and decompression of voice packets transmitted over the network via the port 112 and imposes bandwidth limitations on communications passing through the funnel network element; (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4); An address detection message is sent towards said first endpoint device (Figure 7, steps 702-708, Page 4, paragraph [0041], Figure 9 step 904, Page 4, paragraph [0047]); and selecting at least one of said advertised codecs for being used for said communication, (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17); the selection being performed depends on whether an answer to said address detection message includes said address of funnel network element . In Figure 5, first column 502, Figure 9, steps 904-906, Page 4, paragraph [0047] lines 6-8. This shows the network address of the endpoint identifier of the corresponding regions.

7. The Applicant also argues that Huat does not teach address detection message and path discovery message.
8. **In reply**, the Examiner states that Huat teaches address detection message as stated above. Huat also teaches determining the address detection message includes network address based on the Network path which is a path discovery

message. (Page 5, Claim 3). However, Huart does not explicitly state about the path-discovery message is a TRACEROUTE message.

9. Conversely, Garakani does in fact teach such limitation. Garakani discloses in his teachings about IP path tracing by using the traceroute program (Column 1, lines 42-45 and lines 49-53) and ARP protocol which does in fact teach that the path tracing is a traceroute message. (Column 9, lines 23-27 Here, the traceroute program discovers the path when a message is sent).
10. Examiner notes that no new matter has been added and that the pending claims are rejected based on the references cited in the previous office action.
11. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references previously cited in the office action that would overcome the 102(e) and 103(a) rejections applied against the claims, the rejection is therefore sustained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international

application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1, 3, 4, 8, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Huat et al. (US 2003/0158968).

13. With respect to Claim 1, Huat teaches a method in a server in a telecommunication system for controlling codec selection by the server, said telecommunication system including: a first physical network (Subnet 106A, Figure 1) and a second physical network (subnet 106C, Figure 1), and endpoint devices connected to said first and second physical networks (Links 110 connected to the main Network 102), wherein the networks offer each endpoint device a bandwidth capacity (Page 2, paragraph [0023]. Here the network regions 104A and 104C of the subnets 106A and 106C respectively have varying bandwidth capacity); the method comprising the steps of: (a) storing information related to at least one funnel network element that links said first and second physical networks, (Abstract lines 2-5, Page 1, paragraph [0028] lines 6-10, Page 2, paragraph [0028], Figure 1, Codecs 108. Here the compression/decompression algorithms—Codecs perform compression and decompression of voice packets transmitted over the network via the port 112); and imposes bandwidth limitations on communications passing through the funnel network element, (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4. This shows the bandwidth limitations between the first and second regions); said information including an address associated with said

funnel network element; (Figure 5, first column - 502. This shows the network address of the endpoint identifier of the corresponding regions) and information about the bandwidth supported for communications through said funnel network element (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4. This shows the bandwidth supported for communications between the first and second regions) (b) receiving a communication request from a first one of the endpoint devices, (Page 4, paragraph [0040] lines 8-11, Figure 7, step 714, paragraph [0041, lines 1-3); said request containing a set of advertised codecs for said communication; (Figure 6, columns 606 and 608); c) sending an address detection message towards said first endpoint device (Figure 7, steps 702-708, Page 4, paragraph [0041], Figure 9 step 904, Page 4, paragraph [0047]); (d) receiving an answer to the address detection message (Figure 9, step 906; Page 4, paragraph [0047] lines 6-8); the answer including an address of at least one network element in the path to the first endpoint device; (Figure 9, step 906; Page 4, paragraph [0047] lines 6-8); and e) selecting at least one of said advertised codecs for being used for said communication, (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17); the selection being performed depending upon whether an answer to said address detection message includes said address of funnel network element (Figure 5- first column - 502, Figure 9, step 906, Page 4, paragraph [0047] lines 6-8) , wherein the selecting step includes: (e1) determining whether the answer includes the address of the funnel network element (Figure 9, steps 904-906,

paragraph [0047] lines 6-8) selecting an advertised codec suitable for handling communications limited by the bandwidth limitations imposed by the funnel network element (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17) ; when the answer to the address detection message includes the address of the funnel network element (Figure 9, steps 904-906. Page 4, paragraph [0047] lines 6-8. Here the answer to the request includes the address).

14. With respect to Claim 3, Huat teaches the method of claim 1, wherein the stored information related to the funnel network element further comprises information about the codecs supported for communication through said bandwidth limiting funnel network element, (Page 1, paragraph [0021] lines 6-7, Page 2, paragraph [0028] Here, the information stored related to codec allows communication between the first and the second subnets via Links 110 connected to the main Network 102); and wherein the selection of step (e) further depends on said codec information (Page 1, paragraph [0028] lines 3-8).

15. With respect to Claim 4, Huat teaches the method of claim 1, wherein said address detection message is a path-discovery message (Page 5, Claim 3. Here determining the address detection message includes network address based on the Network path which is a path discovery message).

16. With respect to Claim 8, Riddle teaches an apparatus for controlling codec selection in a server of a telecommunication system, said telecommunication system including at least a first physical network (Subnet 106A, Figure 1) and a second physical network, a second physical network (subnet 106C, Figure 1), and a plurality of endpoint devices connected to said first and second physical networks (Links 110 connected to the main Network 102), each of said physical networks offering each endpoint device a bandwidth capacity (Page 2, paragraph [0023]. Here the network regions 104A and 104C of the subnets 106A and 106C respectively have varying bandwidth capacity), the apparatus including comprising: a call control processor for receiving a communication request (Page 4, paragraph [0040] lines 8-11, Figure 7, step 714, paragraph [0041, lines 1-3); said request containing a set of advertised codecs for said communication; (Figure 6, columns 606 and 608); a database for storing information (Page 1, paragraph [0006], lines 1-3, Figure 2, memory 206) related to at least one funnel network element that links said first and second physical networks, (Abstract lines 2-5, Page 1, paragraph [0028] lines 6-10, Page 2, paragraph [0028], Figure 1, Codecs 108. Here the compression/decompression algorithms –Codecs perform compression and decompression of voice packets transmitted over the network via the port 112); and imposes bandwidth limitations on communications passing through the funnel network element, (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4. This shows the bandwidth limitations between the first and second regions) said information including an address

associated with said funnel network element; (Figure 5, first column - 502. This shows the network address of the endpoint identifier of the corresponding regions); and information about the bandwidth supported for communications through said funnel network element (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4. This shows the bandwidth supported for communications between the first and second regions); a funnel detection unit for sending an address detection message towards said endpoint device (Figure 7, steps 702-708, Page 4, paragraph [0041], Figure 9 step 904, Page 4, paragraph [0047]); and receiving an answer to the address detection message (Figure 9, step 906; Page 4, paragraph [0047] lines 6-8); the answer including an address of at least one network element in the path to the endpoint; and a codec selection unit for selecting at least one of said advertised codecs for to be used used for said communication, (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17); the selection being dependent upon whether an answer to said address detection message includes said address of the bandwidth limiting funnel network element (Figure 5-first column - 502, Figure 9, step 906, Page 4, paragraph [0047] lines 6-8) , wherein the codec selection unit includes: means for determining whether the answer includes the address of the bandwidth limiting funnel network element (Figure 9, steps 904-906); determining whether the answer includes the address of the funnel network element (Figure 9, steps 904-906, paragraph [0047] lines 6-8); means for selecting an advertised codec suitable for handling communications limited by

the bandwidth limitations imposed by the funnel network element (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17) ; when the answer to the address detection message includes the address of the funnel network element (Figure 9, steps 904-906. Page 4, paragraph [0047] lines 6-8. Here the answer to the request includes the address).

17. With respect to Claim 10, Huat teaches the apparatus of claim 8, wherein the stored information related to the funnel network element further comprises information about the codecs supported for communication through said funnel network element, (Page 1, paragraph [0021] lines 6-7, Page 2, paragraph [0028]. Here, the information stored related to codec allows communication between the first and the second subnets via Links 110 connected to the main Network 102); and wherein the codec selection unit selects at least one of the codecs based on codec information (Page 1, paragraph [0028] lines 3-8).

18. With respect to Claim 11, Huat teaches the method of claim 8, wherein said address detection message is a path-discovery message (Page 5, Claim 3. Here determining the address detection message includes network address based on the Network path which is a path discovery message).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 5-7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huat in view of Garakani (US 6, 578, 087).
20. With respect to Claims 5 and 12, Huat teaches the limitations of Claims 4 and 11 respectively as described above. Huat also teaches address detection message and path discovery message. However, Huat does not explicitly state about the path-discovery message is a TRACEROUTE message.
21. Conversely, Garakani does in fact teach such limitation. Garakani discloses in his teachings about IP path tracing by using the traceroute program (Column 1, lines 42-45 and lines 49-53) and ARP protocol which does in fact teach that the path tracing is a traceroute message. (Column 9, lines 23-27 Here, the traceroute program discovers the path when a message is sent).
22. Huat teaches in his network consisting of subnets about selecting a codec based on IP address detection message and an answer which includes the network address and path. Garakani teaches IP path tracing using traceroute in a network. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Garakani

with Huat in order to better manage the devices in a computer network based on tracing the address of the endpoint device.

23. With respect to Claims 6 and 13, Huat teaches limitations of Claims 1 and 8 respectively as described above. Huat also teaches address detection message and path discovery message. However, Huat does not explicitly state wherein said address detection message is an address-resolution message.

24. Conversely, Garakani discloses in his teachings about IP path tracing and address detection by using the traceroute program (Column 1, lines 42-45 and lines 49-53) and ARP protocol which does in fact teach that the address detection message is an address resolution message. (Column 9, lines 23-27. Here the address detection message uses the Address Resolution Protocol).

25. Huat teaches in his network consisting of subnets about selecting a codec based on IP address detection message and an answer which includes the network address and path. Garakani teaches IP path tracing using traceroute in a network. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Garakani with Huat in order to better manage the devices in a computer network based on tracing the address of the endpoint device.

26. With respect to Claims 7 and 14, Huat and Garakani teach the limitations as described in Claims 6 and 13 respectively as described above. However, Huat

does not explicitly state in his teachings wherein said address detection message is an Address Resolution Protocol (ARP) message.

27. Conversely, Garakani discloses in his teachings about IP path tracing using the traceroute program (Column 1, lines 42-45 and lines 49-53) and ARP protocol (Column 9, lines 23-27. Here the ARP message is an address detection message)

28. Huat teaches in his network consisting of subnets about selecting a codec based on IP address detection message and an answer which includes the network address and path. Garakani teaches IP path tracing using traceroute in a network. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Garakani with Huat in order to better manage the devices in a computer network based on tracing the address of the endpoint device.

Conclusion

The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and /or priority documents is implied as being applied to teach the scope of the claims.

Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLARENCE JOHN whose telephone number is (571)270-5937. The examiner can normally be reached on Mon - Fri 8:00 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CJ/
Patent Examiner
Art Unit 2443
7/6/2010
/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2443